

May 1, 2002

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. **L01P0013**
Proposed Ordinance No. 2002-0088

KARA III
Preliminary Plat Application

Location: Southeast of the intersection of 100th Avenue South and Southeast 220th Street

Applicant: Lakeridge Development, Inc., *represented by*
Wayne Jones
PO Box 146
Renton, WA 98057
Telephone: (425) 228-9750

King County: Department of Development and Environmental and Services
Current Planning, *represented by*
Fereshteh Dehkordi
900 Oaksdale Avenue Southwest
Renton, WA 98055-1219
Telephone: (206) 296-7173
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions (Modified)
Examiner's Decision:	Approve, subject to conditions (Modified)

EXAMINER PROCEEDINGS:

Hearing Opened:	April 18, 2002
Hearing Closed:	April 18, 2002

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Recreation area
- Traffic
- Well protection

SUMMARY:

The proposed subdivision of 25 lots in the urban area is approved, subject to conditions.

FINDINGS OF FACT: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer:	Lakeridge Development, Inc. PO Box 146 Renton, WA 98057 (206) 228-9750
Engineer:	Casey Engineering Dave Casey, (425) 222-0782 PO Box 1255 Fall City, WA 98024-1255
STR:	SW ¼ 8-22-5
Location:	Southeast of the intersection of 100 Avenue SE and SE 220 th Street
Zoning:	R-6 SOD
Acreage:	4.27
Number of Lots:	25
Density:	5.85 dwelling units per acre
Lot Size:	Ranges from 3300 sq. ft. to approximately 6,500 sq. ft.
Proposed Use:	Residential
Sewage Disposal:	City of Kent
Water Supply:	Soos Creek Water & Sewer District
Fire District:	City of Kent
School District:	Kent School District
Complete Application Date:	June 4, 2001

2. Except as modified below, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the April 18, 2002, public hearing are found to be correct, and are incorporated herein by reference. The said report is exhibit no. 2 in the hearing record.
3. The owner and developer of the subject proposal is Lakeridge Development, Inc., which is also the owner and developer of the proposed plat of Annandale on the adjacent property to the east. Annandale is presently designed to develop 24 single-family residential dwelling lots. The property adjacent to the north of the subject property, known as Kara Crest, contains 48 single-family residential lots which also were developed by Lakeridge Development, Inc. and recorded in 2001.
4. Lakeridge Development, Inc. requested the Department of Development and Environmental Services to allow consolidation of recreation facilities for the adjacent property to the north (Kara Crest) and the subject property, but that request was denied by the Department. Lakeridge also has requested that the recreation facilities for the subject property and the adjacent parcel to the east (Annandale) be considered together. The Department recommends denial of this request for the same reason that it denied the previous request; i.e., because the adjacent parcels are separate plats.

King County Code Section 21A.14.180 requires on-site recreation area to serve residential developments in the urban residential zone classifications. When property in the R-6 zone is developed at a density of eight units or less per acre, not less than 390 square feet per dwelling unit is required to be placed in a designated recreation space tract. Outdoor recreation space that is not part of a storm water tract shall have a grade and surface suitable for recreation improvements, with a maximum grade of 5%. Subsection 21A.14.180.C.II provides that the recreation area shall, "be on the site of the proposed development". Among the other considerations specified in 21A.14.080.C are that the recreation site be centrally located, and be in one designated area, unless the Director of the Department determines that residents of large subdivisions would be better served by multiple areas (KCC 21A.14.180.C.IV and VI).

Definitions applicable to these requirements are found in Chapter 21A.06 KCC.

A "developer or applicant" is the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed. KCC 21A.06.295.

A "development proposal" includes any activities requiring a permit or other approval from King County relative to the use or development of land. KCC 21A.06.310.

A development proposal site encompasses ". . . the legal boundaries of the parcel or parcels of land for which an applicant has . . . applied for authority from King County to carry out a development proposal", KCC 21A.06.315.

5. The traffic impacts of the subject development (Kara III) reviewed by King County and the State of Washington in response to this application, were limited to consideration of impacts from traffic generated by 26 lots proposed on May 7, 2001, with "no plans for future additions". See SEPA checklist, exhibit no. 4. It appeared to King County and the state at that time that the proposal for development of Kara III would not have a significant adverse impact on traffic, as

defined by KCC 14.80.030, for the reason that 26 lots would not add 30 or more peak hour trips to any intersection. However, the current development proposal, including the adjacent property of Annandale, might have a significant adverse impact as defined by KCC 14.80.030.

The Applicant prepared a traffic study for use in the review of the proposed plat of Annandale. That study considers traffic generated by Kara III and Annandale (as well as Kara Crest), but does not address impacts to traffic on Southeast 224th Street, between 104th Place and SR 515, or the affected intersections on Southeast 224th Street. Other evidence in the record indicates that the intersection of Southeast 224th Street and SR 515 may function at LOS “F”, particularly during the AM peak hour.

6. Although the proposed development may have a significant adverse impact on Southeast 224th Street and SR 515, there are at least two additional routes between the subject property and the arterial road system. One route is south on 100th Avenue South to Southeast 240th Street, where there is a signalized intersection. Another is south on 100th Avenue South to Southeast 229th Place, where there is an alternative access to SR 515. If the intersection of Southeast 224th and SR 515 does not function at an acceptable level of service, or safely, motorists in the area have alternative routes available for their use.
7. A registered community well is located on property adjacent to the south of the proposed plat of Kara III. This well provides the potable water supply to at least three properties, and the quality of that water has substantial value to those property owners.

Regulations of the Washington State Department of Ecology regulate land uses which may reasonably affect the quality and quantity of potable water supplied by a registered well. It appears from the available information that a setback or other restrictions may apply to the use of a portion of the property within the proposed plat of Kara III. The extent and nature of these restrictions can be determined in coordination with the Washington State Department of Ecology and the King County Department of Public Health as part of the engineering plan review and approval process.

8. The Applicant’s request for a variance from the King County Surface Water Drainage Manual, to permit diversion of on-site surface water flow, was reviewed by the King County Department of Development and Environmental Services without knowledge that a community well existed on the adjacent property to the south. All parties agree that the review of the variance should have considered that information, and that the Department should be provided an opportunity to reevaluate the request with adequate knowledge of possible impacts on the well.
9. A geotechnical report concerning the water source for the well on the adjacent property to the south, and the likely impacts, if any, of the proposed development, will be necessary to enable the Department of Development and Environmental Services to review the request for a variance (adjustment) to the requirements of the King County Surface Water Drainage Manual, and to enable the Department of Ecology and the King County Department of Public Health to review possible impacts of the proposed development on water supply and quality.

CONCLUSIONS:

1. The development of Kara Crest is a recorded final plat, which is no longer a proposed development.

2. The applications for preliminary approval of the proposed plat of Kara III (the subject property) and the proposed plat of Annandale (file no. L01P0017), although initiated separately, are currently proposals by a single applicant/developer to develop adjacent parcels into single-family lots. As such, together they constitute a “development proposal” under the definitions of the King County Zoning Code, and are entitled to the benefits, as well as subject to the burdens, of coordinated review. The two proposed plats can and should be considered together for the purposes of locating suitable recreation area and determining the appropriate improvements to that area, and the two plats should be considered together for the purpose of determining their impact on traffic as defined by KCC 14.80.030.
3. The King County Department of Development and Environmental Services should review the surface water manual adjustment previously granted (adjustment L01V0068) for the reason that the application for adjustment failed to disclose the existence of a registered potable water supply well on the adjacent property to the south.
4. King County Department of Development and Environmental Services, in consultation with the Washington State Department of Ecology and the King County Department of Public Health, should review and establish appropriate protective measures to preserve the supply and quality of water available to the registered well on the property adjacent to the south.
5. The review of the request for surface water drainage manual adjustment and review of protective measures for the well should be supported by a geotechnical report provided by the Applicant. The owners and users of the registered well should have an opportunity to review and comment upon the geotechnical report and make independent recommendations, if they desire to do so, to the Department of Development and Environmental Services prior to engineering plan approval.
6. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, subdivision and zoning codes, and other official land use controls and policies of King County.
7. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and the proposed subdivision will serve the public use and interest.
8. The conditions for final approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
9. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed revised preliminary plat submitted by the Applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

Approve the proposed plat of Kara III, as revised and received December 7, 2001, subject to the following conditions for final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6-SO zone classification. Lots 4, 5, 7, and 8 will be developed as attached units. All lots shall meet the minimum dimensional requirements of the R-6 SO zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. Except as provided in condition 7c, all construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Storm water adjustment L01V0068, previously approved for this site, shall be reviewed by the Department of Development and Environmental Services with additional information to be provided by the Applicant. The additional information shall include the surveyed location of the registered well which exists on the property adjacent to the south, and a geotechnical report which evaluates the impacts, if any, which may result to the water supply and water quality from the proposed development and the surface water diversion requested by the Applicant. If the adjustment is granted by the Department, all conditions of the adjustment shall, to the extent applicable, be incorporated in the final engineering plans and shall be conditions of final plat approval.
 - b. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - c. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - d. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application

of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - a. 101st CT. SE shall be improved to the urban minor access street standard.
 - b. 102nd CT. SE/ SE 221st Street shall be improved to the urban subaccess street standard.
 - c. FRONTAGE: The plat frontage along 100th Avenue South is within the City of Kent. This frontage shall be improved according to the City of Kent Road Standards. City of Kent approval is required for the 100th Avenue South improvements.
 - d. FRONTAGE: The plat frontage along SE 220th Street shall be improved to urban subcollector standard (south side only), unless otherwise approved by DDES.
 - e. Modifications to the above road conditions may be considered according to the variance procedures in Section 1.08 of the KCRS.
8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council or the City of Kent, as appropriate, prior to final plat recording.
9. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
11. There shall be no direct vehicular access to or from 100th Avenue South from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
12. Off-site access to the subdivision shall be over a full-width, dedicated and improved road which has been accepted by King County for maintenance. If the proposed access road has not been accepted by King County at the time of recording, then said road shall be fully bonded by the applicant of this subdivision.

13. Suitable recreation space for the proposed development of the subject property and the adjacent property to the east (file no. L01P0017) shall be provided within either or both of the said properties, consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, play equipment, picnic table[s], benches, etc.).
 - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, final grade, significant trees to be retained, and general improvements including required landscaping per 21A.16. The approved engineering plans shall be consistent with the overall conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
 - d. In the event the plat of the subject property is proposed for final plat approval and recording prior to final plat approval and recording of the plat of Annandale, and recreation area to meet the requirements for the plat of Kara III are not located wholly within the subject plat, adequate space to meet the recreation requirements for this plat shall be reserved within this plat until such time as the plat of Annandale is recorded with sufficient recreation area to meet the requirements for both plats.
14. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
15. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and

shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.

- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - h. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
16. To implement KCC 21A.38.230 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of KCC 21A.38.230, as well as the conceptual tree retention plan. No clearing of the subject property is permitted until the final tree retention plan is approved by LUSD. Flagging and temporary fencing of trees to be retained shall be provided, consistent with KCC 21A.38.230B4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant to KCC 21A.38.230B4d(2). If approved by LUSD, any significant tree to be removed as a result of the recreation tract improvement must be replaced in accordance with 21A.38.230.
- A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with KCC 21A.38.230B6.
17. The existing on site well shall be properly abandoned and plugged according to the specifications listed in Chapter 173-160 of the Washington Administrative Code (WAC). The final engineering plans approved by LUSD shall also indicate that the Washington State Department of Ecology shall be contacted prior to construction.
18. The existing community well on the neighboring property and a 100-foot radius from that well shall be shown on the engineering plan and final recorded plat. That well shall be protected in accordance with requirements of the King County Department of Public Health and the Washington State Department of Ecology rules and regulations. Any restrictions on use or activities within the subject property shall be noted on the final plat.
19. A geotechnical report with recommendations that consider the likely impacts, if any, to the community well on the adjacent property to the south, will be submitted by the Applicant to the Department of Development and Environmental Services and to the owners of the properties served by that well. The Department shall consider the report and any comments by the affected well owners and users when evaluating the applicant's request for a surface water drainage adjustment to permit diversion of surface water, and for the purpose of establishing additional

requirements, if any are needed, to protect the supply and quality of water available to the community well.

20. The Applicant shall provide to the Department of Development and Environmental Services a traffic study which considers the joint impact of the proposed plats of Kara III and Annandale on Southeast 224th Street, between 104th Place Southeast and SR 515, including the affected intersections on Southeast 224th Street. This traffic study shall be submitted by DDES to the Washington State Department of Transportation for its consideration and response, to determine if additional mitigation is required for state facilities; and the King County Department of Transportation shall review the said report to determine if additional mitigation is required for County intersections. The review by the State and County Departments of Transportation shall be concluded prior to final engineering plan review and approval, and additional mitigating measures, if any, shall be established prior to engineering plan approval.
21. In the event of a dispute between the Applicant and King County concerning additional mitigating measures, if any, regarding protection of the community well or traffic impacts, the matter in dispute shall be presented to the King County Hearing Examiner for resolution.

ORDERED this 1st day of May, 2002.

James N. O'Connor, *pro tem*
Hearing Examiner

TRANSMITTED this 1st day of May, 2002, to the parties and interested persons of record:

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Wetland Review
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Bruce Whittaker
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NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before May 15, 2002***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before May 22, 2002***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Court-house, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE APRIL 18, 2002 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L01P0013

James O'Connor was the Hearing Examiner, *pro tem* for this matter. Participating in the hearing and representing the Department of Development and Environmental Services were Fereshteh Dehkordi and Bruce Whittaker, and representing the King County Department of Transportation was Kris Langley. Participating in the hearing and representing the Applicant were Wayne Jones and David Casey. Other participants in this hearing were Bruce Schlehuber, Bret Monroe, and Connie and Jeff Vigna.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L01P0013
- Exhibit No. 2 DDES preliminary report dated April 18, 2002
- Exhibit No. 3 Application dated May 7, 2001
- Exhibit No. 4 Environmental checklist dated January 23, 2001
- Exhibit No. 5 Declaration of non-significance dated February 15, 2002
- Exhibit No. 6 Affidavit of posting indicating June 15, 2001 as date of posting and June 18, 2001 as the date the affidavit was received by DDES
- Exhibit No. 7 Revised site plan dated December 7, 2001
- Exhibit No. 8 Assessors map SE 7-22-05 & SW 8-22-05
- Exhibit No. 9 Level one drainage analysis dated May 6, 2001
- Exhibit No. 10 Preliminary storm water facility sizing report dated February 1, 2001
- Exhibit No. 11 SWDM adjustment decision dated January 3, 2002
- Exhibit No. 12 Letter of agreement from City of Kent to allow use of an existing drainage Facility within the city limits dated October 11, 2001
- Exhibit No. 13 Tree retention plan dated December 7, 2001
- Exhibit No. 14 Kara Crest drainage plan and R/D pond dated May 7, 2001
- Exhibit No. 15 Kroll map
- Exhibit No. 16 Map of Kara Crest
- Exhibit No. 17 Water well impact letter report dated October 31, 1995

- Exhibit No. 18 Page 3 of the Hearing Examiner's findings for SU-96-13
- Exhibit No. 19 Proposed additional conditions submitted by DDES on April 18, 2002
- Exhibit No. 20 Traffic analysis for Annandale dated November 20, 2001
- Exhibit No. 21 Photocopy of original Kara plat showing well on subject property
- Exhibit No. 22 Vicinity map of Kara showing 500' radius and approximate location of community well

JNOC:gao

Plats/L01P0013 RPT